

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 4:09CR3031
)	
vs.)	MOTION TO COMPEL
)	DISCLOSURE
LOWELL BAISDEN,)	
)	
Defendant.)	

Lowell Baisden, by and through the undersigned, hereby moves this Court, pursuant to the Due Process Clause of the Fifth Amendment of the United States Constitution, for an Order requiring the United States to file and serve upon Baisden's attorney responses to particular information sought by Baisden. In furtherance of said Motion, Baisden shows to this Court as follows:

1. Baisden has filed a motion to dismiss in the above captioned matter citing various constitutional violations regarding how the federal Government has investigated Baisden and improperly used the federal Government's civil actions against Baisden to commence a criminal prosecution against him. In conjunction with Baisden's motion to dismiss, he has requested via letter sent to AUSA Russell on or about September 17, 2010, that the Government disclose particular information so that Baisden will be able to present evidence on his motion to dismiss.

2. The specific information requested of AUSA Russell is as follows:

- a. All communications, phone conversations, e-mails, letters and any other written correspondence between yourself and Jacqueline Brown regarding civil and criminal investigations brought against the Konings and Lowell Baisden. Please include all dates regarding such communications.
- b. All communications, phone conversations, e-mails, letters and any other written correspondence between David Guest and any United States

Attorney regarding the Konings and Lowell Baisden. Please include all dates regarding such communications.

c. All communications, phone conversations, e-mails, letters and any other written correspondence regarding Baisden and the Konings between laypersons and IRS Criminal Investigator Tim Chase. Please include all dates regarding such communications.

d. All communications, phone conversations, e-mails, letters and any other written correspondence regarding Baisden and the Konings between IRS Agent Chase and any other IRS agent. Please include all dates regarding such communications.

e. All communications, phone conversations, e-mails, letters and any other written correspondence regarding Baisden and the Konings between any IRS criminal investigator and any other IRS agent. Please include all dates regarding such communications.

f. All communications, phone conversations, e-mails, letters and any other written correspondence regarding Baisden and the Konings between Robert McChesney, Burt and Pamela McKeag, and Dr. Chontos with any IRS agent. Please include all dates regarding such communications.

g. The depositions given by Robert McChesney, Ron Bourne, Burt McKeag, Kathryn Snoozy, Michael Bianco, Walt Weaver, Michael Trierweiler, Young Sik Johng and Andrew Chontos given in the civil ATAT proceeding brought by the Government against Baisden.

3. AUSA Russell has told AFPD Vanderslice, on or about Wednesday, October 6, 2010, that he would not provide any of the information requested above.

4. Accompanying this Motion is a supporting Brief.

5. Defendant requests oral argument on this Motion.

WHEREFORE, based upon the above showing and the argument in Baisden's Brief, he respectfully requests an Order from this Court requiring the Government to disclose the above requested information within a reasonable time before any hearing is set on Baisden's motion to dismiss.

Dated this 13th day of October, 2010.

LOWELL BAISDEN, Defendant

By: /s/ John C. Vanderslice
John C. Vanderslice
Assistant Federal Public Defender
112 Federal Building
100 Centennial Mall North
Lincoln, Nebraska 65808
402-437-5871
Attorney for Defendant

CERTIFICATE OF SERVICE

Assistant Federal Public Defender John Vanderslice hereby certifies that the foregoing document was filed with the Clerk of the District Court using the CM/ECF system which sent notification of such filing to AUSA Steve Russell and attorneys Strotman and Domina (counsel for Susan and Michael Koning, respectively) on this 13th day of October, 2010.

/s/ John C. Vanderslice
John Vanderslice